

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DYVEX INDUSTRIES, INC.,</b>	:	
<b>Plaintiff,</b>	:	<b>Civil No. 12-CV-0979</b>
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
<b>AGILEX FLAVORS &amp; FRAGRANCES, INC., et al.,</b>	:	
	:	
<b>Defendants</b>		

**ORDER**

Based on the foregoing memorandum, **IT IS HEREBY ORDERED**  
**THAT:**

1. The motion for summary judgment filed by Agilex defendants, (Doc. 101), is **GRANTED IN PART AND DENIED IN PART**.
2. Agilex's motion is **GRANTED** regarding plaintiff Dyvex's breach of contract claim, (Count II), and, **JUDGMENT** is entered in favor of Agilex and against Dyvex on this claim.
3. Agilex's motion is **DENIED** with respect to Dyvex's negligence claim, (Count I), and with respect to Dyvex's strict liability claim,

(Count IV), and these two claims will **PROCEED** to trial.<sup>1</sup>

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**DATE: March 22, 2018**

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<sup>1</sup>The court will schedule the final pre-trial conference by separate Order.